



Ministero dello Sviluppo Economico

DIREZIONE GENERALE PER LA LOTTA ALLA CONTRAFFAZIONE
Ufficio Italiano Brevetti e Marchi

**MADRID AGREEMENT AND PROTOCOL
PROVISIONAL REFUSAL OF PROTECTION**

Rule 17(1)

I. Office making the notification:

MINISTERO DELLO SVILUPPO ECONOMICO

Direzione Generale per la Lotta alla Contraffazione - Ufficio Italiano Brevetti e Marchi

Via Molise, 19 - 00187 ROMA

e-mail : dglcuibm.div02@pec.mise.gov.it

II. Number of the international registration: **1270406**

Trademark:

BILKA HOMEOPATHY

III. Name of the holder:

BILKA LIFESTYLE LTD.

14 Botko voivoda str.

BG-1616 Sofia

(BG)

IV. Information concerning the type of provisional refusal:

- ☐ Provisional refusal based on an *ex officio* examination
- ☒ Provisional refusal based on an opposition
- ☐ Provisional refusal based on both an *ex officio* examination and an opposition

V. Information concerning the scope of the provisional refusal:

- ☒ Provisional refusal for all the goods and/or services
- ☐ Provisional refusal for some of the goods/services:

The goods in class namely:

VI. Grounds for refusal :

Identity or similarity between the marks and identity or similarity between the goods/services.

VII. Opponent rights:

1) Registration number: **777974 (Italian trade mark)**

i) Filing date: **12/09/1996**

ii) Date of registration: **20/04/1999 (Renewed)**

iii) Name and address of the opponent:

Società Italo-Britannica L. Manetti - H. Roberts & C. p.A.

Via Pellicceria 8

I-50123 Firenze

ITALY

iv) Reproduction of the mark:

BILBA

v) List for all the goods:

CL. 3: Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

2) Registration number: **722149 (Italian trade mark)**

i) Filing date: **25/03/1994**

ii) Date of registration: **29/08/1997 (Renewed)**

iii) Name and address of the opponent:

Società Italo-Britannica L. Manetti - H. Roberts & C. p.A.

Via Pellicceria 8

I-50123 Firenze

ITALY

iv) Reproduction of the mark:

BILBA

v) List for all the goods:

CL. 3: Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

3) Registration number: **623878 (Italian trade mark)**

i) Filing date: **31/03/1994**

ii) Date of registration: **16/06/1994 (Renewed)**

iii) Name and address of the opponent:

Società Italo-Britannica L. Manetti - H. Roberts & C. p.A.

Via Pellicceria 8

I-50123 Firenze

ITALY

iv) Reproduction of the mark:

BILBA

v) List for all the goods:

CL. 3: Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

4) Registration number: 771026 (Italian trade mark)

i) Filing date: **11/03/1996**

ii) Date of registration: **01/02/1999 (Renewed)**

iii) Name and address of the opponent:

Società Italo-Britannica L. Manetti - H. Roberts & C. p.A.

Via Pellicceria 8

I-50123 Firenze

ITALY

iv) Reproduction of the mark:

BILBOA

v) List for all the goods:

CL. 3: Cosmetici, lozioni gel e oli cosmetici, preparazioni per bagni e doccia, prodotti solari, abbronzanti, profumeria, lozioni per capelli.

5) Registration number: 623879 (Italian trade mark)

i) Filing date: **31/03/1994**

ii) Date of registration: **16/06/1994 (Renewed)**

iii) Name and address of the opponent:

Società Italo-Britannica L. Manetti - H. Roberts & C. p.A.

Via Pellicceria 8

I-50123 Firenze

ITALY

iv) Reproduction of the mark:

BILBOA

v) List for all the goods:

CL. 3: Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

6) Registration number: **1622596 (Italian trade mark)**

i) Filing date: **02/04/2014**

ii) Date of registration: **20/01/2015**

iii) Name and address of the opponent:

Società Italo-Britannica L. Manetti - H. Roberts & C. p.A.
Via Pellicceria 8
I-50123 Firenze
ITALY

iv) Reproduction of the mark:

BILBOA COCONUT BEAUTY

v) List for all the goods:

CL. 3: Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

7) Registration number: **1622597 (Italian trade mark)**

i) Filing date: **02/04/2014**

ii) Date of registration: **20/01/2015**

iii) Name and address of the opponent:

Società Italo-Britannica L. Manetti - H. Roberts & C. p.A.
Via Pellicceria 8
I-50123 Firenze
ITALY

iv) Reproduction of the mark:

BILBOA TRAVEL

iv) List for all the goods:

CL. 3: Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices

8) Registration number: 14054381 (EU trade mark)

i) Filing date: **12/05/2015**

ii) Date of registration: **28/08/2015**

iii) Name and address of the opponent:

Società Italo-Britannica L. Manetti - H. Roberts & C. p.A.
Via Pellicceria 8
I-50123 Firenze
ITALY

iv) Reproduction of the mark:

BILBOA

iv) List for all the goods:

CL. 3: Barrier creams; Exfoliant creams; Depilatory creams; Sun creams; Suntan creams; Creams for tanning the skin; Washing creams; Cosmetic creams; Cleansing creams; Night cream; Hair creams; Shower creams; Day creams; Anti-aging creams; Toning creams [cosmetic]; Body cream; Eye cream; Skin cream; Face creams for cosmetic use; Hand creams; Cosmetic sun-protecting preparations; Anti-wrinkle cream; Beauty balm creams; Skin cleansing cream; Cosmetics in the form of creams; Creams for firming the skin; Sun protecting creams [cosmetics]; Cosmetic hand creams; Skin lightening creams; Skin whitening creams; Skin care creams [cosmetic]; Skin conditioning creams for cosmetic purposes; Make-up removing lotions; Cleansing lotions; Self tanning lotions [cosmetic]; Beauty lotions; Eye lotions; Body lotions; Lotions for cosmetic purposes; Tissues impregnated with cosmetic lotions; Cosmetics in the form of lotions; Cosmetic facial lotions; Eye wrinkle lotions; Lotions for cellulite reduction; Moisturising skin lotions [cosmetic]; Skin care lotions [cosmetic]; Milky lotions for skin care; Lotions for face and body care; Sun-tanning gels; Moisturising gels [cosmetic]; Age retardant gel; Eye gels; Cosmetic eye gels; Cosmetics in the form of gels; Aloe vera gel for cosmetic purposes; Oils for cosmetic purposes; Scented oils; Mineral oils [cosmetic]; Suntanning oil [cosmetics]; After-sun oils [cosmetics]; Oils for perfumes and scents; Body oils [for cosmetic use]; Cosmetics in the form of oils; Natural oils for cosmetic purposes; Suntan oils for cosmetic purposes; Sun blocking oils [cosmetics]; Skin care oils [cosmetic]; Oil baths for hair care; Perfume oils for the manufacture of cosmetic preparations; Lip cream; Nail cream; Body mask cream; Retinol cream for cosmetic purposes; Cold cream; Cleansing masks; Beauty masks; Body masks; Facial masks; Skin masks [cosmetics]; Skin moisturizer masks; Cleaning masks for the face; Make up foundations; Body powder; Cosmetic white face powder; Make-up powder; Body talcum powder; Dusting powder; Soap; Cosmetic soaps; Cream soaps; Deodorant soap; Toilet soap; Beauty soap; Hand soaps; Soaps for personal use; Liquid bath soaps; Soaps for body care; Liquid soaps for hands and face; Bar soap; Perfumed soaps; Shower soap; Non-

medicated toilet soaps; Body cream soap; Perfume; Perfumed creams; Perfumed powder [for cosmetic use]; Synthetic perfumery; Natural perfumery; Toilet water; Cologne; Bath foam; Bath oils for cosmetic purposes; Cosmetic preparations for baths; Depilatory preparations; Antiperspirants [toiletries]; Deodorants for body care; Deodorants and antiperspirants; Tints for the hair; Hair rinses [shampoo-conditioners]; Cosmetic dyes; Hair care lotions; Shampoos; Hair emollients; Hair bleaching preparations; Hair lighteners; Hair conditioners; Hair gel; Hair mousse; Hair moisturisers; Hair glaze; Hair wax; Hair fixers; Hair nourishers; Hair dye; Combing oil; Hair moisturising conditioners; Hair protection gels; Hair texturizers; Cosmetic preparations for the hair and scalp; Hair dyeing preparations; Hair waving preparations; Styling lotions; Colouring lotions for the hair; Hair fixing oil; Wax treatments for the hair; Cosmetic hair dressing preparations; Hair straightening preparations; Hair preparations and treatments; Mousses [toiletries] for use in styling the hair; Shampoo-conditioners; Dry shampoos; Dandruff shampoos, not for medical purposes; Preparations for setting hair; Cosmetics for the use on the hair; Hair spray; Conditioning creams; Shaving balm; Shaving soap; Shaving foam; Shaving gel; Shaving lotion; Shaving preparations; Pre-shaving preparations; Pre-shave creams; Make-up; Make-up removing preparations; Make-up for the face and body; Lipsticks; Sun blocking lipsticks [cosmetics]; Nail polish; Emery boards; Fingernail tips; Nail gel; Nail art stickers; Nail care preparations; Preparations for reinforcing the nails; Nail polish remover; Abrasive paper for use on the fingernails; Adhesives for affixing artificial fingernails; Artificial nails for cosmetic purposes; Douching preparations for personal sanitary or deodorant purposes [toiletries]; Washing preparations for personal use; Hand washes; Tanning preparations; Sun-tanning oils; Sun bronzers; Artificial tanning preparations; Sun block preparations; Tanning milks [cosmetics]; Waterproof sunscreen; Cosmetics for protecting the skin from sunburn; Cosmetics for use in the treatment of wrinkled skin; Wrinkle removing skin care preparations; Moisturising skin creams [cosmetic].

9) Registration number: 13642921 (EU trade mark)

i) Filing date: **15/01/2015**

ii) Date of registration: **30/04/2015**

iii) Name and address of the opponent:

Società Italo-Britannica L. Manetti - H. Roberts & C. p.A.
Via Pellicceria 8
I-50123 Firenze
ITALY

iv) Reproduction of the mark:

BILBOA

v) List for all the goods:

CL. 3: Moist wipes for sanitary and cosmetic purposes; Wipes impregnated with a skin cleanser; Sun creams; Creams (Soap -) for use in washing; Body shampoos; Perfumed soaps; Bath foam; Bath lotions (Non-medicated -); Bath soap; Skin balms (Non-medicated -); Cosmetics for protecting the skin from sunburn; Body butter; Moisturising skin creams [cosmetic]; Cosmetic preparations for skin care; Cosmetics in the form of milks; Cold cream; Non-medicated cleansing creams; Creams (Non-medicated -) for the body; Nutritional creams (Non-medicated -); Barrier creams; Emollients; Sunscreen preparations; Sun tan gel;

After-sun gels [cosmetics]; After sun moisturisers; Skin moisturisers; Moisturizing milk; Body milks; Milky lotions for skin care; Cleansing lotions; Skin moisturizer masks; Body masks; Cleansing foam; Sun-tanning oils; Skin care oils [cosmetic]; Skin fresheners; Hair protection mousse; Hair lotions; Depilatory wax; Depilatory preparations; Wax strips for removing body hair; Hair emollients; Oils for hair conditioning; Oil baths for hair care; Hair conditioners; Hair dyes; Hair wax; Cosmetics for the use on the hair; Hair creams; Bleaching preparations for the hair; Styling gels for the hair; Hair moisturisers; Hair spray; Cosmetics for bronzing the skin; Compounds for skin care after exposure to the sun's rays; Detanglers; Neutralizing hair preparations; Hair waving preparations; Shampoos; Hair straightening preparations; Hair styling lotions; Wax treatments for the hair; Hair texturizers; Mousses being hair styling aids; Shaving gel; Cleansing gels; Foaming bath gels; Age retardant gel; Nail gel; Moisturising gels [cosmetic]; Soaps in gel form; Soaps and gels; Jasmine oil; Hair protection gels; Eye gels; Shower gels; Bath gel; Cosmetics in the form of gels; Cosmetic eye gels; Petroleum jelly for cosmetic purposes; Massage gels other than for medical purposes; Gel sprays being styling aids; Sun bronzers; Self-tanning preparations [cosmetics]; Sun protecting creams [cosmetics]; Suntan lotion [cosmetics]; Toning creams [cosmetic]; Self tanning creams [cosmetic]; After-sun oils [cosmetics]; Self tanning lotions [cosmetic]; Moisturising concentrates [cosmetic]; Sun-tanning preparations [cosmetics]; Cosmetics in the form of oils; Colour cosmetics for the skin; Skin masks [cosmetics]; Cosmetic hair dressing preparations; Cosmetic kits; Nail tips [cosmetics]; Cosmetics for personal use; Cosmetics for use on the skin; Night creams [cosmetics]; Skin whitening preparations [cosmetic]; Skin lightening compositions [cosmetic]; Cosmetics for use in the treatment of wrinkled skin; Facial washes [cosmetic]; Sun blocking oils [cosmetics]; Cosmetics in the form of creams; Cosmetic preparations for baths; Skin cream; Cosmetics in the form of lotions; Skin cleansers [cosmetic]; Oils for the body [cosmetics]; Lip coatings [cosmetic]; Cosmetics in the form of powders; Facial cleansers [cosmetic]; Body cream; Facial moisturisers [cosmetic]; Facial scrubs [cosmetic]; Facial toners [cosmetic]; Cosmetic preparations for use as aids to slimming; Glitter in spray form for use as a cosmetics; Cosmetics for the treatment of dry skin; Facial wipes impregnated with cosmetics; Lip protectors [cosmetic]; Slimming aids [cosmetic], other than for medical use; Liners [cosmetics] for the eyes; Sun blocking lipsticks [cosmetics]; Paper hand towels impregnated with cosmetics; Hair lighteners; Skin whitening preparations; Non-medicated skin clarifying lotions; Skin lighteners; Baby wipes; Baby oils; Baby powder; Baby lotions; Baby shampoo; Talcum powder (Non-medicated -) for babies; Baby hair conditioner; Babies' creams [non-medicated]; Baby shampoo mousse; Baby bath mousse; Baby body milks.

10) Registration number: 14116156 (EU trade mark)

i) Filing date: **22/05/2015**

ii) Date of registration: **08/09/2015**

iii) Name and address of the opponent:

Società Italo-Britannica L. Manetti - H. Roberts & C. p.A.
Via Pellicceria 8
I-50123 Firenze
ITALY

iv) Reproduction of the mark:

BILBOA

iv) List for all the goods:

CL. 3: Pedicure preparations; Tissues impregnated with cosmetic lotions; Dentifrice; Teeth cleaning lotions; Tooth cleaning preparations; Body deodorants [perfumery]; Balms other than for medical purposes; Cosmetics for use on the skin; Washing creams; Hand cleansers; Foams for use in the shower; Foot scrubs; Shower and bath gel; Douching preparations for personal sanitary or deodorant purposes [toiletries]; Hair preparations and treatments; Washing preparations for personal use; Cleaning preparations for personal use; Hand washes; Body cleansing foams; Cleaning agents for the hands; Shower creams; Body cream soap; Deodorant soap; Shower soap; Soap; Cosmetic soaps; Cream soaps; Disinfectant soap; Soaps in gel form; Liquid bath soaps; Liquid soaps for hands and face; Hand soaps; Soaps for personal use; Body shampoos; Sponges impregnated with soaps; Bath foam; Foaming bath liquids; Bath concentrates (Non-medicated -); Bath creams (Non-medicated -); Foaming bath gels; Bath gel; Bath lotions (Non-medicated -); Bubble bath; Bath soap; Anti-perspirant deodorants; Deodorants for body care; Antiperspirants [toiletries]; Body sprays; Body mask cream; Facial washes [cosmetic]; Skin cleansers; Exfoliants for the cleansing of the skin; Moisturizing milk; Bath lotion; Cosmetic facial lotions; Skin lotion; Cleansing lotions; Skin cleansing lotion; Body masks; Waterproof sunscreen; Cleansing foam; Hair balsam; Hair creams; Conditioning creams; Hair care lotions; Detanglers; Shampoos; Hair mousse; Body talcum powder; Shampoo-conditioners; Shampoos for personal use; Dry shampoos; Hair spray; Aftershave balms; Shaving balm; Depilatory wax; Depilatory creams; Aftershave moisturising cream; Shaving cream; Depilatory preparations; After-shave emulsions; After-shave preparations; Shaving soap; Shaving sprays; Hair protection mousse; Dandruff shampoos, not for medical purposes; Bath preparations, not for medical purposes; Barrier creams; Exfoliant creams; Perfumed creams; Sun creams; Suntan creams; Creams for tanning the skin; Aftershave creams; Cosmetic creams; Night cream; Day creams; Cosmetic nourishing creams; Body cream; Eye cream; Skin cream; Face creams for cosmetic use; Hand creams; Anti-wrinkle cream; Hair protection creams; Skin cleansing cream; Cosmetics in the form of creams; Creams for firming the skin; Cosmetic hand creams; Skin whitening creams; Creams for cellulite reduction; Moisturising skin creams [cosmetic]; Pre-shave creams; Skin care creams [cosmetic]; Skin conditioning creams for cosmetic purposes; Lip cream; Face cream (Non-medicated -); Non-medicated cleansing creams; Oils for cosmetic purposes; Scented oils; Sun-tanning oils; Essential oils; Oils for hair conditioning; Oils for toilet purposes; Bath oil; Body oils [for cosmetic use]; Combing oil; Cosmetics in the form of oils; Body oil spray; Skin care oils [cosmetic]; Cleansing milks for skin care; Body milks; Cosmetics in the form of milks; Tanning milks [cosmetics]; Cosmetic sun-protecting preparations; Cosmetics for protecting the skin from sunburn; Sunscreen; Sun block preparations; Sun protecting creams [cosmetics]; Facial cleansing milk; Hand oils (Non-medicated -); Skin cleansing cream [non-medicated]; Hair fixing oil; Nail cream.

VIII. Corresponding essential provisions of the applicable law (see text under XII):
Art.12 1), d) of the Italian Industrial Property Rights Code.

IX. Information relating to subsequent procedure:

(i) Time limit for requesting review or appeal:

The holder of the registration may request a copy of the opposition notice, within three months from the date on which the Office issues the provisional refusal (see the date indicated in item X).

(ii) Authority to which such request for review or appeal should be made:

The holder of the registration may submit his objections to the present refusal to *Ufficio Italiano Brevetti e Marchi – Divisione II Affari Giuridici e Normativi - Via Molise, 19 – 00187 ROMA -ITALY*.

(iii) Indications concerning the appointment of a representative:

Where the applicant is not established or domiciled in a Member State of the European Union or in the European Economic Area, he may submit his objections through a registered agent in the roll kept for this purpose by the Italian Patent and Trademark Office (see: www.ordine-brevetti.it) or a lawyer registered in the appropriate professional role (see: www.ordineavvocati.it) – (art. 201-203 Code of Industrial Property Rights)

X. Date of the notification of provisional refusal:

Prot. N.:

Ministero dello Sviluppo Economico
AOO Politiche industriali e Tutela
Struttura: **DGLCUIBM_Div08**
REGISTRO UFFICIALE
Prot. n. **0288210 - 14/09/2016 - USCITA**

XI. Signature or official seal of the Office making the notification:



[Handwritten signature]

XII. Corresponding essential provisions of the applicable law:

Extract from the Code of Industrial Property Rights

(Legislative Decree of February 10th 2005, n.30)

Art. 17 - International Registration

1. For the registration of trademarks with the World Intellectual Property Organization (WIPO), the provisions in force pursuant to international conventions shall remain valid.

2. International trademarks registered with the World Intellectual Property Organization (WIPO) of Geneva, based on the Madrid Agreement concerning the International Registration of Marks, Stockholm text of 14 July 1967, ratified by law no.424 of 28 April 1976, and the respective Protocol, adopted in Madrid on 27 June 1989, ratified by law no.169 of 12 March 1996, containing the designation of Italy as the country in which protection is requested, must meet the requirements set for national trademarks by this Code.

3. The Italian Patent and Trademark Office carries out the examination of the international trademarks that designate Italy in compliance with the applicable provisions of the applications for national trademarks.

Art. 7 – Subject Matter of Registration

1. A trademark consist of any sign which capable of being represented graphically, and in particular words, including personal names, designs, letters, numerals, sounds, the shape of a goods or of their packaging, the color combinations or tones, provided that such signs are capable of distinguishing the goods or services of one undertaking from those of other undertaking.

Art. 8 - Portraits of person, names and well known signs

1. Portraits of person shall not be registered as trademarks without the persons' consent, and after their death, without the consent of the spouse and children; if there are no such relatives or after their death, of the parents and other ancestors, and if there are no such ancestors or after their death, of the relatives up and including the fourth degree.

2. The names of persons other than those who apply for registration may be registered as trademarks, provided that their use

is not such as to harm the reputation, creditworthiness or dignity of those who have the right to bear those names. The Italian Patents and Trademarks Office shall however have the right to make the registration conditional upon the consent as set forth in paragraph 1. In any event, the registration shall not prevent persons having the right to the name to use in the business chosen by them, if the requirements are met as set forth in Article 21(1).

3. If well known, the following may be registered or used as trademarks only by the qualified person, or with the consent of the same, or of the persons indicated in paragraph 1: names of persons, signs used in the fields of art, literature, science, politics or sports, the designations and abbreviations of events and those of entities and associations without economic purposes, as well as the characteristic emblems of the same.

Art. 9 – Shape trademarks

1. Signs shall not be registered as trademarks if they consist solely of the shape dictated by the nature of the product, the shape of the product necessary to obtain a technical result, or of the shape that gives substantial value to the product.

Art. 10 – Coats of arms

1. Coats of arms and other signs considered in existing international conventions on the subject matter, in the cases and the conditions mentioned therein, as well as the signs containing symbols, emblems and coats of arms which are in the public interest shall not be registered as trademarks, unless the consent of the appropriate authorities to their registration has been given.

2. If a trademark contains words, figures or signs with political meaning or a highly symbolic value, or containing heraldic elements, before registration, the Italian Patents and Trademarks Office shall send the copy of the trademarks and whatever else may be necessary to the relevant or appropriate public agencies, to receive their opinion, in accordance with the provisions of paragraph 4.

3. The Italian Patents and Trademarks Office may act in accordance with provisions of paragraph 2 in all cases where there is a doubt that trademark could be contrary to the law, the public policy or accepted principles of morality.

4. If the relevant or appropriate agency, as per paragraphs 2 and 3, expresses an opinion against the registration of the trademark, the Italian Patents and Trademarks Office shall reject the application.

Art. 12 – Novelty

1. Signs shall not be registered as trademarks if as of the date of filing of the application any of the following applies:

a) (omissis);

b) (omissis);

c) They are identical to a trademark already registered by others in the Country or having effect in the Country following an application filed on an earlier date or having effect from an earlier date due to a right of a priority or a valid claim of seniority for identical goods or services;

d) They are identical or similar to a trademark that has already registered by others in the Country or having effect in the Country following an application filed on an earlier date or having effect as from an earlier date due to a right of priority or a valid claim of seniority for goods and services that are identical or similar, if due to the identity or similarity between the signs and the identity or similarity between the goods or services there exists a likelihood of confusion on the part of the public, than can also consist of a likelihood of association between the two signs; [...]

e); f); 2. 3. (omissis)

Art. 13 – Distinctive character

1. Signs lacking a distinctive character shall not be registered as trademarks. These include:

a) those consisting only of signs that have become commonly used in current language or in the common practices of the trade;

b) those consisting of general designations of goods or services or descriptive indications that refer to them, such as signs that may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin or the time of production of the good or of the rendering of the service or other characteristics of the good or service.

2. Notwithstanding paragraph 1, signs that have acquired a distinctive character prior to application for registration, due to the use that has been made of them, may be registered as trademarks.

3. (omissis)

4. (omissis)

Art. 14 – Lawfulness and third-party rights

1. The following shall not be registered as trademarks:

a) signs that are contrary to the law, public policy or accepted principles of public morality;

b) signs that can mislead the public, in particular as to the geographical origin, nature or quality of the goods or services.

c) (omissis)

Art. 135 – Board of Appeal

1. An appeal may be filed with the Board of Appeal against decisions of the Italian Patent and Trademark Office that totally or partially reject an application or request, refuse registration or prevent the recognition of a right, and in the other cases provided for by this Code, within the mandatory term of 60 days from the date of receipt of the notification of the decision. (omissis)

Art. 170 – Examination of applications

1. The examination of applications which have been found to meet the formal requirements, is aimed at determining:

a) for trademarks: if Article 11 may be applied when collective marks are involved; if the word, design or sign can be

registered as a trademark pursuant to Articles 7, 8, 9, 10, 13, paragraph 1 and 14, paragraph 1, letters a) and b); if the conditions indicated in Article 3 are met.

b) (omissis)

Art. 171 - Examination of the International trademarks

1.(omissis)

2. If the Italian Patent and Trademark Office deems that the trademark shall not be registered in full or in part, or if an opposition has been filed by third parties pursuant to Article 176, the Office shall proceed pursuant to Article 5 of the Madrid Agreement for the International Registration of Marks, Stockholm text of 14 July 1967, ratified by Law no. 424 of 28 April 1976 or the respective Protocol of 27 June 1989, ratified by Law No. 169 of 12 March 1996, to issue a provisional refusal of the international registration and gives notice to the World Intellectual Property Organization.

3. The provisional refusal under paragraph 2 is issued within one year for international registrations based on the Madrid Agreement for the International Registration of Marks, and within eighteen months for those based on the respective Protocol. The terms start on the dates respectively indicated in the cited International Conventions.

4. In the case of provisional refusal, the protection of the trademark shall be that of a trademark application filed with the Italian Patent and Trademark Office.

5. Within the mandatory term set out by the Italian Patent and Trademark Office, the owner of an international registration, for which a provisional refusal has been communicated to the World Intellectual Property Organization, through an attorney appointed in accordance with Article 201, may submit his own arguments, or request a copy of the opposition paper based on which the provisional refusal was issued. In the latter case, if the owner of the international registration requests a copy within the required period, the Office shall send the notice to the parties as Article 178, paragraph 1, and apply the other rules on the opposition proceeding set forth by Articles 178 et seq.

6. If within the term indicated in paragraph 5, the owner of the international registration does not submit his arguments, or does not request a copy of the opposition paper in accordance with the rules indicated above, the Italian Patent and Trademark Office shall issue the final refusal.

7. The Italian Patent and Trademark Office shall notify the World Intellectual Property Organization of the final decisions relating to international trademarks designating Italy.

Art. 201 – Representation

1.2.3.(omissis)

4. The appointment may be granted only to attorneys registered in a specific Register established for that purpose at the Board of the Industrial Property Consultants Institute.

5. (omissis)

6. The appointment may also be granted to a lawyer admitted to the Bar.